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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

MICHAEL J. DICARLO,

Debtor.

Case No. 10-32086-C-7

DCN: SMD - 1

DATE: October 12, 2010

TIME: 9:30 A.M.

DEPT: C

COURTROOM: 35 (6th Floor)

TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE

TO: THE HONORABLE CHRISTOPHER M. KLEIN, JUDGE, U. S. BANKRUPTCY COURT; THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED DEBTOR; AND, THE DEBTOR'S ATTORNEY.

The undersigned, Susan M. Didriksen, the court appointed Chapter 7 Trustee (the "Trustee") in the above-captioned Bankruptcy estate of Michael J. DiCarlo, (the "Debtor"), hereby requests that this Court approve the sale of the Bankruptcy's Estate's interest in a 2007 Kawasaki Ninja 650R, to Motorcycle Consignment, no relationship to debtor, or assignee, for a total of \$2,000 cash. In support of this motion, the undersigned Trustee respectfully represents the following:

1. The Debtor filed a voluntary Chapter 7 Bankruptcy Petition on or about May 7, 2010, and an Order for Relief was entered thereon.

2. Susan M. Didriksen was appointed as the Interim Chapter 7 Trustee on or about May 7, 2010, and continues to serve in that capacity.

3. The Court has jurisdiction over the current motion under 28 U.S.C. §§ 157(a) and 1334. This is a core proceeding under 28 U.S.C. section 157(b)(2)(A), (N) and (O).

4. The Debtor filed Schedule B on or about May 7, 2010, and disclosed personal property described as follows:

1 “2007 Kawasaki Ninja 650R”

2 (hereinafter referred to as the “Motorcycle”), having a disclosed market value of
3 \$2,880.

4 5. The Debtor’s Schedule “C” filed on or about May 7, 2010, claimed no monetary
5 exemptions pertaining to the Motorcycle.

6 6. The Debtor’s Schedule D filed on May 7, 2010, disclosed no indebtedness nor
7 obligations secured by the Motorcycle.

8 7. The Trustee has received an offer from Motorcycle Consignment in the amount of \$2,000
9 to purchase the aforementioned Motorcycle in an “as-is” condition from the Bankruptcy Estate.

10 8. The payment will be made in cash pending approval from the Court.

11 9. The undersigned Trustee believes that the immediate liquidation of the Subject Personal
12 Property is in the best interest of the Bankruptcy Estate. Therefore, the trustee requests the approval
13 from this Court to sell the aforementioned Motorcycle to Motorcycle Consignment for the amount of
14 \$2,000, subject to any overbids tendered at the Court hearing.

15 10. At the Court hearing, the Trustee will request that the Court solicits overbids. The
16 Trustee further requests that overbids, if any, be submitted in minimum increments of \$200.00 from
17 qualified bidders who must contact the Trustee at least twenty-four hours prior to this hearing. Any
18 successful over bidder must remit the full amount of the cash selling price to the Trustee within
19 twenty-four hours after the Court hearing is concluded.

20 WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve the
21 sale of the aforementioned Motorcycle to the Motorcycle Consignment in the manner stated herein,
22 B.) Provide authority for the Trustee to execute all documents necessary to complete the
23 contemplated sale; C.) Provide for such other relief as the Court deems appropriate.

24 Dated: September 7, 2010

25 Respectfully submitted,

26 /s/ Susan M. Didriksen

 Susan M. Didriksen, Chapter 7 Trustee